

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In Re: NUTTERY FARM, INC.,

Debtor.

No. C 10-03146 WHA

HENDRIK SMEDING; LETTIE SMEDING,

Appellants,

**ORDER DENYING MOTION
FOR STAY OF ORDER
PENDING APPEAL**

v.

AHCOM, LTD.; JEFFRY G. LOCKE,
Trustee in Bankruptcy,

Appellees.

Appellants' motion to stay the order of a bankruptcy judge pending appeal is **DENIED**.

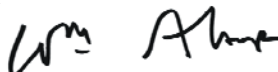
The bankruptcy judge authorized the trustee to assign certain legal claims to a creditor. Hendrik Smeding and Lettie Smeding, the debtor's principals, are appealing that order on the ground of improper notice. Afraid that their appeal will be mooted, Smedings now bring this motion pursuant to Federal Rule of Bankruptcy Procedure 8005.

There is no need for a stay. At a hearing on September 16, 2010, counsel for Smedings stated that the stay was only justified by the risk that the claims would be transferred to a third party. Counsel representing both the creditor, Ahcom, Ltd., and its principal, Adam Hacking, guaranteed that the claims would not be alienated. Counsel for Smedings conceded that, absent the risk of mootness, the only harm involves defending the lawsuit asserting the claims.

1 That lawsuit is itself stayed pending the appeal in this case. Accordingly, appellants have shown
2 no likelihood of irreparable harm. There is no reason to panic and resort to the extraordinary
3 measure of a stay of the bankruptcy judge's order.

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5 **IT IS SO ORDERED.**

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7 Dated: August 17, 2010.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE